

J K

1963

F6A3

1904

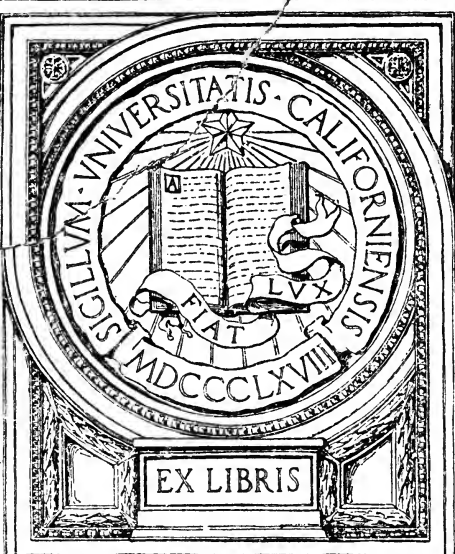
UC-NRLF



8B 22 570

21160
C 09112

GIFT OF
Es. H. Roberts



EX LIBRIS

MAKERS
SYRACUSE - N.Y.
PAT. JAN. 27, 1908

G. H. Roberts.

LAW GOVERNING ELECTIONS

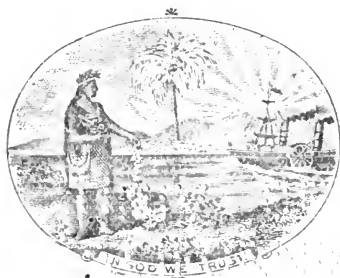
IN THE

STATE OF FLORIDA,

PASSED AT THE

Regular Session, A. D. 1895,

And as Amended 1897, 1899, 1903.



TALLAHASSEE, FLA.:
I. B. Hilson, State Printer.
1904.

JK1963
F6A3
1904

70 1000
1000000000

CHAPTER 4328—[No. 7.]

AN ACT to Provide for the Registration of all Legally Qualified Voters in the Several Counties of the State, and to Provide for General and Special Elections and for the Returns of Elections.

Be it Enacted by the Legislature of the State of Florida:

Section 1. Every male person of the age of twenty-one years and upwards, that shall at the time of registration be a citizen of the United States, and shall have resided and had his habitations, domicile, home and place of permanent abode in Florida for one year, and in the county for six months, shall, if otherwise qualified according to law in such county, be deemed a qualified elector at all elections under the Constitution. Naturalized citizens of the United States, at the time of and before registration shall produce to the registration officer his certificate of naturalization or a duly certified copy thereof, and shall make oath that he is the identical person named in such certificate, before they shall be allowed to register; *Provided*, That the following classes of persons shall not be entitled to vote:

Who are
qualified
electors.

First. Persons not duly registered according to law.

Second. Persons under guardianship, including those kept in or confined in any public prison.

Third. Person who are insane or idiotic.

Persons dis-
franchised.

Fourth. Persons who may have been convicted of felony by any court of record.

Fifth. Persons who may have been convicted of bribery, perjury, or larceny, or of any infamous crime in any court of this State, or any other State, or interested in any bet or wager, the result of which shall depend upon any election, or that shall hereafter fight a duel, or send, knowingly carry or accept a challenge to fight, or that shall be a second to either party, or that shall be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

1904.

Sixth. No person shall be permitted to vote at an election who shall have failed to pay at least on or before the second Saturday in the month preceding the day of such election, his poll taxes for the two years next preceeding the year in which such election shall be held; *Provided*, That no person shall be prevented from voting on account of not having so paid a poll tax for any year which shall not have been lawfully assessable against him by reason of his not having been of age, or having been over 55 years of age or who has lost a limb in battle, and who shall have procured and shall exhibit the certificate of the supervisor of registration to that effect as hereinafter provided for; *Provided*, That no person who has not been in this State one year previous to any general election, shall be required to pay more than one year's poll taxes.

Day of gen-
eral election.

*Sec. 2. A general election shall be held in the several counties of this State on the Tuesday next succeeding the first Monday in November, A. D. 1898, and biennially on the same day thereafter, or upon such day as may hereafter be fixed by law, at which general election there shall be chosen by the qualified electors in this State such elective State and county officers whose term of office may then require an election to be held to fill such office, beside State Senators and members of the House of Representatives of this State, and such other elective officers as may be required to be elected, as provided by the Constitution and laws of this State, except as herein otherwise provided.

Year of elec-
tion.

*Sec. 3. A Governor, the administrative officers of the executive department, and the State Senators representing the odd numbered districts shall be elected at such election to be holden in A. D. 1900, and every four years thereafter. State Senators from the even numbered districts shall be chosen at the general election in A. D. 1898 for four years, and every four years thereafter, and members of the House of Representatives shall be chosen at every general election hereunder. A Clerk of the Circuit Court, a County Judge, a Sheriff, a Superintendent of Public Instruction and a County Surveyor shall be chosen for each county in this State by its qualified elec-

LAWS OF FLORIDA.

5

1904.

tors at said election in A. D. 1900, and every four years thereafter. A County Assessor of Taxes, a County Tax Collector and a County Treasurer for each county in this State shall also be chosen at said general election in A. D. 1898, in like manner, and at every general election thereafter. A Justice of the Peace and Constable for each justices district shall be elected by the qualified voters thereof at said general election in A. D. 1898, and every two years thereafter. One Justice of the Supreme Court shall be chosen at the general election hereunder in A. D. 1898, and at every general election thereafter unless changed by law. A County Board of Public Instruction, consisting of three members, one member from each School Board District, elected from the several counties at large of this State, shall be chosen at the general election A. D. 1898, and at every general election thereafter, unless changed by law.

*Sec. 4. A representative to the Congress of the United States shall be elected in and for each Congressional District of this State on the first Tuesday after the first Monday in November, A. D. 1898, and biennially on the same day thereafter. Electors of President and Vice-President of the United States shall be elected on the first Tuesday after the first Monday in November, A. D. 1900, and on the same day every four years thereafter.

Congressional election.

Election of electors.

Sec. 5. Special elections shall be held in the following cases:

Special elections.

First. Where there has been no choice of any officer who should have been elected at a general election.

Second. When a vacancy shall occur in the office of State Senator or Member of the House of Representatives of this State. But in case of a vacancy in the office of State Senator or member of the said House of Representatives, a special election shall not be held unless a session of the Legislature shall be held after the vacancy occurs and before a general election.

Third. When a vacancy shall occur, more than three months before a general election, in the office of representative to the Congress of the United States, or in any other office which the Governor shall not be authorized to fill by appointment. But if any vacancy shall occur at a

Vacancies.

* Amendment, 1897.

1904.

time not more than three months before a general election, the Governor may, in his discretion, order a special election to fill the same.

Fourth. When it shall be necessary to elect Presidential Electors, by reason of the offices of President and Vice-President both having become vacant.

**Notice of
general elec-
tion to be
published.**

*Sec. 6. The Secretary of State shall, between the first days of July and September in any year in which a general election shall be held, make out and cause to be published, at least sixty days prior to the day of holding the election, in one or more newspapers printed at the State Capital, at least once a week until the election, a notice stating what offices and vacancies are to be filled at such general election in the State, and in each county and district thereof, and shall send to the sheriff of each county a notice of the offices and vacancies of each county to be filled at such general election by the qualified voters of his county, or any district thereof, and the sheriff shall cause a copy of such notice to be published weekly in a newspaper printed in his county, if there be one in the county, and if there be no such paper printed in his county, he shall cause at least five copies of such notice to be posted in the most conspicuous and public places in the county.

**Publications
as to special
elections.**

Sec. 7. Whenever a special election for any office is required to be holden, the Governor shall make an order declaring on what day the same shall be held, and deliver the same to the Secretary of State, whereupon the Secretary of State shall publish notice of the election to be holden therefor in one or more newspapers published weekly at the State Capital, for not less than fifteen days nor more than forty days prior to said election, containing notice of the vacancy or vacancies to be filled, and of the county or counties in which elections are to be held thereafter, and the Secretary of State shall also deliver to the sheriff of such county or counties, in which such special elections are to be held, a notice of the time of election and of the offices to be filled by the voters of their respective counties, or any district thereof, and the sheriff shall cause a copy of such notice to be published weekly in some newspaper printed in his county, if there

1904.

be such a newspaper, and if there be no such paper printed in his county, he shall cause at least five copies of such notice to be posted in the most public and conspicuous places in the county.

Sec. 8. Upon application for registration each elector shall be required to take and subscribe the following oath: **Registration oath.** I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and of the State of Florida; that I am twenty-one years of age and have been a resident of the State of Florida for twelve months, and of this county for six months; that I am a citizen of the United States, and that I am qualified to vote under the Constitution and laws of the State of Florida. The supervisor of registration and district registration officers in this act provided for are hereby authorized and required to administer this oath, and the elector shall also be required, under oath, to be administered by the registration officer, to give such description of himself as will be sufficient to clearly identify his person with the act of registration.

Sec. 9. Upon the expiration of the term of office for which each supervisor of registration of electors has heretofore been appointed in each county, and every two years thereafter, the Governor shall appoint, subject to removal by him at any time, one competent, discreet, and fair-minded person in each county, who shall be a qualified elector thereof, to be known as the supervisor of registration of electors in said county. Such supervisor shall hold his office for two years, and until his successor shall be appointed and qualified. He shall keep his office at the county site, and shall have exclusive charge of the registration of electors, and for this purpose shall open and keep books suitable for such registration of electors in each election district in such county. He shall appoint, subject to removal at any time by him, a district registration officer for each election district in his county, whose duty it shall be to attend to the registration of electors in such district as hereinafter provided. The supervisor of registration shall not be eligible for any other office until six months after ceasing to be such supervisor. Each supervisor shall, before entering on the performance of his duties, take the oath prescribed by section 2 of article 16 of the Constitution, and shall give **Supervisor of Registration.** **Duties and powers.**

1904

Bond.

Pay.

Powers.

Penalty.

a bond to the Governor of the State in the sum of five hundred dollars, with two sureties, to be approved by the board of county commissioners of his county, conditioned for the faithful discharge of his duties as such supervisor. The compensation of such supervisors shall be such sum or sums in proportion to the amount of work to be done, as may be fixed and allowed by the board of county commissioners in each county respectively. The district registration officers shall be paid for their services by the respective counties such sum or sums as may be fixed and allowed by the board of county commissioners in each county respectively, after the supervisor of registration shall have certified to the amount of service performed by each of such district registration officers. Each supervisor shall have power at any time to remove any district registration officer within his county whenever he deems proper, and such district registration officer, when so removed, shall, on demand, surrender to such supervisor all books and papers connected with his office. The willful failure of any such district registration officer to promptly comply with such demands of the supervisor to deliver up such books and papers, shall be deemed a misdemeanor, and, on conviction thereof, he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Each district registration officer shall, before entering upon the performance of his duties, make oath in writing before any officer authorized to administer oaths, that he will well and faithfully perform the duties of his office, which oath shall be transmitted to the supervisor of registration, and preserved by him. Upon the removal of any supervisor of registration of electors, it shall be his duty to immediately and promptly deliver over to his successor all of the books and papers and blanks belonging to his office or connected therewith in any way. The willful failure or refusal of any such supervisor of registration to promptly comply with the demand of his successor for such delivery of such books and papers and blanks connected with or belonging to his office, shall be deemed a misdemeanor, and, on conviction thereof, he shall be punished by a fine not to exceed one thousand dollars, or by

imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

*Sec. 10. The supervisor of registration shall keep the registration books of the county open at his office at least three days in each week, and oftener if the county commissioners shall so order, from 9 o'clock a. m. to 12 m. and from 2 o'clock p. m. until 5 p. m., from the first Monday in August in each year in which there is any general election, for the registration of electors. And he shall give notice by publishing in a newspaper printed in his county for two consecutive weeks immediately preceding the time of opening his books, naming the day of the week he will keep his books open. The district registration officers, hereinbefore provided for, shall keep the registration book for such district open at some convenient place therein for the purpose of registration, at least two days in each week, from 9 o'clock a. m. to 12 m., and from 1 o'clock p. m. to 7 p. m., from the first Monday in September until the second Saturday of the month preceding the day in each year in which there is any general election. He shall give notice by posting in three conspicuous places in his district, naming days of the week his books will be open, and at what particular dwelling or building he will be. During the time that the district registration officer is registering voters he may register in one book and the supervisor in another. The registration books of each county shall be closed on said second Saturday of the month preceding the day in each year in which there shall be a general election. And no person shall be allowed to register at any other time than during the period herein provided for the opening of said books for registration of electors.

Office hours
of Supervisor.

Office hours
of registration
officers.

Time of reg-
istration.

Sec. 11. Each election and registration district, voting place or precinct in this State, as now laid out, defined and fixed, is hereby recognized and continued; but the board of county commissioners in each county are hereby empowered, at any time prior to the first day of July in any year in which there shall be a general election, to alter or change the same, or to create new districts, designating each district by number, and at the most suitable point in each district to establish a voting place or pre-

Registration
district.

1904.

Change in
election dis-
trict.

cinct, at which voting place or precinct there shall be two polling places as hereafter provided, which said voting place or precinct shall not thereafter be changed without the consent of four members of the board of county commissioners, in meeting assembled. Within ten days after there shall be any change in the division, number or boundaries of the election districts as now established, or of the location of the voting places or precincts, it shall be the duty of the county commissioners in each county in which there shall be any such change to make in writing an accurate description of any such new or altered election districts, setting forth the boundary lines thereof, so as to designate accurately the limits of each district that has not already been clearly defined and established, and they shall at the same time name and clearly define and describe in writing the voting place or precinct which they shall have established in any such new or altered election district, or in any district in which they may change the voting place or precinct, and they shall forthwith cause the same to be recorded in the registry of deeds in the office of the Clerk of the Circuit Court for such county. On recording the aforesaid designations and descriptions of said election districts and voting places or precincts the said county commissioners shall publish the same for not exceeding four weeks in some newspaper published in the county, and if there be no newspaper published in said county they shall post a plainly written or printed copy of said descriptions and designations at the court house of such county in a conspicuous place and also at three public places in the district changed or altered.

Publication.

Publication
of list of
qualified
electors.

*Sec. 12. The supervisor of registration of the several counties of this State shall have published within fourteen days after the second Saturday in the month preceding the day in which any general election is held, a certified list of the registered and qualified electors of each election district wherein such election shall be held.

Duty of Sec-
retary of
State.

Sec. 13. It shall be the duty of the Secretary of State to cause a sufficient number of registration books, blank oaths for registration, certificate of registration, applications for renewal of certificates, certificates of transfer,

*Amendment, 1897.

1904.

Registration
books.

and other blanks required to be used under this act, to be prepared so that there shall be three of said registration books for each election district in each county, which registration books shall, at the top of each page, have printed or written the oath required by the Constitution to be taken by electors at the time of registration, and shall be ruled in columns with proper headings so as to indicate the name, age, color, occupation and place of residence, including the street, lot and block of any town or city, and the date of registration of each elector, and the number of the certificate that may be issued to him, with a separate column at the right side of each line for such notes and entries as may from time to time be necessary to put opposite any name; *Provided*, That outside of towns and cities the residence may be designated by number of quarter section or convenient sub-division thereof. The pages of said book shall be alphabetically arranged and numbered, and the lines in each page shall be numbered, and the names thereon shall be alphabetically registered. Upon the requisition of the county commissioners of any county, the Secretary of State shall furnish them the required number of said books and blanks, which the county commissioners shall deliver to the supervisor of registration of their respective counties.

Provido.

Sec. 14. Immediately upon the expiration of the time for registration at the several precincts, each district registration officer shall promptly deliver his book and all blanks left in his possession to the supervisor of registration at the county site, and thereupon the supervisor shall proceed to make up the registration books for the several districts in his county, so that three registration books for each election district shall exactly correspond and be as nearly as may be a duplicate the one of the other. Such books shall be so marked on the backs thereof as to designate clearly to which election district they belong, and one of the said books for every election district shall be marked by the supervisor on the back thereof with the words "Office Copy," and which office copies shall at all time be kept by the supervisor in his office. The original registration books used by the district registration officials shall also, after being returned by them, be kept by the supervisor in his office.

Duty of Dis-
trict Regis-
tration Of-
ficer.

1904.

Certificate of
registration.

Proviso.

Restoration
certificate.

Sec. 15. Each elector, upon being registered, shall be furnished by the registration officer with a certificate of registration, which certificate, issued by the supervisor, shall be numbered in each district for which they are issued, by consecutive numbers, in the order in which they are issued by him, which certificates shall contain a statement of the full name, age, color, height, occupation, place of residence and date of registration, as entered in the registration books, which certificates shall be signed by the registration officer. No person shall be allowed to vote in any other election district than the one in which he is registered; nor shall any person whose name does not appear upon the registration books be allowed to vote; *Provided*, That when the name of any one who was duly registered prior to the approval of this act does not appear on the registration books of the election district in which he registered, and in which he resides, such person shall, on making satisfactory proof to the supervisor of registration of the fact of his previous registration, and that his name has been improperly omitted from the said books, be entitled to have his name restored to said books on application to the supervisor of registration, and shall thereupon receive from such supervisor a certificate of registration similar to that hereinbefore provided for, across the face of which shall be written in red ink the words "Restoration Certificate," by the supervisor of registration, on the production of which, at the proper polling place of the proper election district, he shall be entitled to vote, even though his name does not appear on the registration books of such district; *Provided*, Said certificate of registration properly identified him to the managers of the election. The certificate of registration shall be of the following form:

REGISTRATION CERTIFICATE NO.

Form of reg-
istration cer-
tificate.

STATE OF FLORIDA. }

.....COUNTY. }

Election District No.

The bearer, is at the date hereof a qualified elector in the above district. He resides at, is years of age, by occupation a He is feet inches in height; his color is, and he is entitled to vote in said district, unless herein-

after disqualified. Registered on this day of....
A. D. 18....

Supervisor of Registration for said County.

The certificate of transfer in this act provided for to be used in cases of transfer from one election district to another, shall be of the following form:

TRANSFER REGISTRATION CERTIFICATE NO....

STATE OF FLORIDA, }
.....COUNTY. } Election District No.

The bearer, is at the date hereof a qualified elector in the above district. He resides at is years of age, by occupation He isfeet inches in height; his color..... and he is entitled to vote in said District No. where he formerly resided.

Transfer
registration
certificate.

Transferred on this day of A. D. 18...

Supervisor of Registration for said County.

Sec. 16. Whenever it may be necessary, the Supervisor of Registration of any county shall transfer and transcribe into new registration books from whatever registration books may be in possession of such supervisor, the names of all electors who appear upon said old books, to be properly and legally registered electors thereon at the time of such transfer to said three new books, taking care that the names of all electors shall be transcribed only in the books of the election district to which such electors belong. At the end of the time provided by this act for the registration books to be kept open by the supervisor of registration the said books shall be closed, and shall not again be opened for registration until after the next succeeding general elections, except as herein provided, and the supervisor of registration shall attach his certificate to each of said three registration books, certifying that they have been examined and revised by him, and that he has caused such registration to be made in compliance with the Constitution and laws of the State of Florida, fairly and impartially, to the best of his ability, and such books, or list of names so certified, with such additions, corrections, erasures and revisions as many

Duty of Supervisor of
Registration.

Registration
books to be
closed.

1904.

Duties of
Supervisor.

from time to time in conformity to law, be made to or of the same, shall constitute the registration books and lists of such county. The supervisors of registration of electors in the various counties shall be the official custodian of the books of registration, and they shall have the exclusive control and management of all matters pertaining to the proper registration of electors at all times. Whenever it shall come to the knowledge of the supervisor of registration that any elector has died or become disqualified to vote by reason of conviction of any disqualifying crime, or from any other cause, or has removed from the county, or from one election district to another in the county without obtaining a certificate of transfer, or that his right to vote has become in anywise affected since his registration, it shall be the duty of said supervisor to make a note of such a fact on the proper registration books opposite the name of such person, and to mark off the names of such persons as have so ceased to be qualified electors by running a pen through the name of such person on such books, and in such cases the supervisor shall carefully note in said books the date of such erasure, and in no case shall the inspectors or managers of any election allow any person to vote whose name shall appear on the books to have been there struck off or erased, whether such person shall have a certificate of registration or not, unless he produces or exhibits to such managers a proper certificate, signed by the supervisor of registration, showing that he has been properly restored to said books subsequent to the date of said erasure of his name from said books. All additions to, corrections and other entries in, and all erasures of names, and the causes and dates thereof, shall be made by the supervisors in all three of the registration books belonging to each election district in his county, so as to keep all three of said books at all times as near as may be duplicates the one of the other; *Provided*, That when the name of any elector shall have been wrongfully or erroneously erased, the same shall be restored by the supervisor of registration on applications and proofs to him, or may be restored by order of the board of county commissioners, if the supervisor on application and proofs, fails to do so; *And provided further*, That the registration books shall be kept open to inspection of the county commissioners and the public

1904.

during the consideration of any application for permit to sell liquors, wines and beer.

Sec. 17. Every elector shall have the right to a renewal of his certificate of registration without fee or change when the same becomes defaced by time or accident, upon his surrendering such certificate so defaced to the supervisor of registration. Any elector who may lose his certificate of registration shall be entitled to a renewal thereof by the supervisor of registration of the county in which such elector was registered, upon application therefor, and proof of the loss, in the following manner: He shall at any time before the next general election apply for a renewal of his certificate, stating under oath, to be administered by the supervisor, the facts of his former registration and of such loss, and that he has not sold, bartered or parted with his certificate, and has not willfully destroyed or lost it, which application the supervisor shall examine into, and if the facts therein alleged shall be sustained to the satisfaction of the supervisor, he shall issue to the applicant a renewal of his certificate, marking or stamping across its face the word "Renewal," and shall make the proper entry in the registration books of the fact of such renewal. The decision of the supervisor in such case, if it shall be against the application, shall be subject to revision by the board of county commissioners, if he be notified of such appeal to said board within three days after notice to the applicant of the rejection of his application.

Renewal of
certificate.

Appeal.

Sec. 18. In case of the removal of an elector from one district to another district in the same county, such elector shall notify the supervisor of registration of such change of residence, and shall surrender his certificate of registration to such supervisor, who shall at once enter the fact in the proper registration books, and shall give, without fee or charge, such elector a certificate of transfer of registration in accordance with such change of residence. If such person was registered before a certificate of registration was provided for by law, and therefore he has no certificate, he shall be entitled to have his name transferred as above provided for, and shall also receive the certificate of transfer as above provided for. In case of the failure or refusal of any elector to notify the supervisor of his removal of his residence, as in this section

Renewal of
elector.

1904.

Erasure of
names.

provided for, it shall be the duty of such supervisor, upon the fact of such removal being brought to his knowledge, to erase the name of such person from the registration books, and to note therein the cause and date of such erasure. No elector, who, having been previously registered, shall have removed from one district to another in the same county, shall be allowed to register, nor shall he be allowed to vote by the managers of any election, without a certificate of transfer of registration, as above provided.

DUTIES OF COUNTY COMMISSIONERS CONCERNING REGISTRATION.

Duty of
County Commissioners.

*Sec. 19. It shall be the duty of the county commissioners of each county, on the first Wednesday after the registration books are closed, as provided for in this act, in every year in which there is a general election, to examine and revise the registration books of said county, erasing therefrom the names of all such as have died, or removed from the county, or from one district to another in the same county, or who are otherwise disqualified to vote, and restoring such names as have been improperly taken off by the supervisor of registration; said examination and revision shall be completed within three days thereafter, and immediately the county commissioners shall cause to be published in a newspaper, if there be one published in such county, and also post at the court house door a list of the names, alphabetically arranged, that have been erased or stricken from the registration books of each district in such county, either by the supervisor of registration, or said board of county commissioners, and any person whose name shall have been wrongfully or erroneously erased or stricken off, and who shall, within a time not less than ten days before the day of any general election to be held in such county, make such fact appear to the satisfaction of said board, shall be entitled to have his name restored to the registration books, and the supervisor of registration, when so ordered by the board of county commissioners, shall restore such name or names to said books, with the date

Publication.

*Amendment, 1903.

of replacement and entries as to how or why such restoration was made, and he shall, without charge, issue to said person or persons a new certificate or certificates of registration, as provided for in Section 15 of this act, and it thereby made the duty of the county commissioners of each county to hold such special meetings as may be necessary from time to time for carrying the provisions of this section into effect, and they are authorized to require the county treasurer to pay such expenses as may be necessary in the performance of their duties; *Provided*, That in case any special election is held in any county of the State it shall be the duty of the board of county commissioners to hold a meeting at least fifteen days before said election and proceed to revise the registration list and give the notices as provided, as in cases of general election in this act.

Revision. 1

Sec. 20. At each election the supervisor of registration shall furnish the inspectors of elections of each polling place in each election district with one of the registration books for such district, the supervisor retaining in his office the other copy or duplicate of such book that he has marked "office copy," as provided in section 16, for the care and custody of which books so delivered to them, the inspectors receiving the same shall be responsible, and which books they shall return to the supervisor of registration within three days after the close of the election. The supervisor of registration shall not be authorized or required prior to any election to furnish copies of the registration books of his county, or to allow indiscriminate handling or examination thereof by any one, but he shall at all times allow any elector to examine as to the status of his own name upon the books of the election district to which such elector may belong.

Registration books.

Sec. 21. The supervisor of registration shall note on the registration books, which he shall furnish to the inspectors of the different election districts, the name of all persons registered therein who shall have paid on or before the second Saturday of the month immediately preceding the day of election, their poll or capitation taxes for two years next preceding the year in which such election is held as shown by the lists furnished to the supervisor by the tax collector, and only such persons shall be deemed qualified voters authorized to vote at any general,

Duty of Supervisor.

1903.

Proviso.

special or municipal election; *Provided*, That no person shall be prevented from voting on account of not having so paid a poll tax, for any year which shall not have been lawfully assessable against him by reason of his not having been of age or was over the age of 55 years, or who has not lost a limb in battle, and who shall have obtained from such supervisor a certificate to that effect, and shall at the time of offering to vote exhibit such certificate to the inspectors of election. And it shall be the duty of such supervisor upon proof being made to him to give such certificate to such person, without cost to such person, provided he is otherwise a duly qualified and registered voter.

Duty of
County Com-
missioners.

*Sec. 22. The county commissioners (or in case of a municipal election the city or town council) shall cause to be prepared or secured one ballot box for each polling place in their respective counties, of sufficient size to receive and contain all the ballots of the particular precinct or voting place for which it is intended, and it shall be plainly marked or labeled with the name of the election district or precinct or number thereof for which it is intended. Before any general or special election they shall place in said ballot box twice as many official ballots, so printed by them, as there are registered qualified electors in said election precinct, and after securely locking said box, sealing up the keyhole thereof, and all other openings, shall send the key thereof, in a sealed envelope, to the inspector of election of said election district together with the box. The custodian shall be placed under oath or affirmation to perform his commission faithfully and impartially, without favor or prejudice to any political party.

Office hours
of Tax Col-
lector.

†Sec. 23. The Tax Collector of each county shall in person or by deputy be present in his office from 9 a. m. to 1 p. m. and from 2 p. m. to 6 p. m. each day, Sundays excepted, for twenty days immediately preceding the second Saturday of the month preceeding the day of any general or special election, for the purpose of receiving all poll taxes properly tendered to him, and he shall as soon as practicable after receiving the same, give receipts therefor in due form of law. In which receipts shall be

*Amendment 1897.

†Amendment, 1903.

stated the color and age of the elector and the number of the election district in which such elector or person paying such poll tax resides. The Tax Collector shall make a list of those who have paid their poll taxes in each year prior to the second Saturday of the month preceeding the day in any year upon which any general or special election shall be held, and such list shall be alphabetically arranged. The Tax Collectors of the several counties of this State within five days after the second Saturday in the month preceeding the day in any year in which any general or special election shall be held, shall make a certified list in duplicate of all persons who have paid their poll taxes for the two years next preceeding the year in which such election is held, prior to the second Saturday in the month preceding the day upon which such election shall be held, and one of said lists shall be delivered by the Tax Collector as soon as the same is completed to the supervisor of registration, to be filed in his office, and the other shall be forwarded to the Comptroller of the State of Florida, which he shall file in his office. Any Tax Collector or any Deputy Tax Collector who shall fail or refuse to comply with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding one year.

Tax Collectors to make certified lists of all who have paid poll tax.

*Sec. 24. For the purpose of carrying on and conducting all such general and special elections, it shall be the duty of the county commissioners, in each county, at least twenty days prior to the holding of any general or special election therein, to appoint three intelligent, discreet and fair-minded inspectors of election, and a clerk of election, for each polling place in each and every election district in such county, all of whom shall be residents and registered qualified electors of the election district for which they shall be appointed; all of whom shall not belong to the same political party. The county commissioners in each county shall cause the names of such inspectors and clerks of election to be published in a newspaper published in such county, if there be a newspaper printed in the county, or posted in a conspicuous

County Commissioners to appoint inspectors.

How inspectors to be designated.

1904.

Pay.

place at the court house, if there be no newspaper printed in the county, for at least fifteen days before the day of holding any general or special election in such county. Inspectors and clerks of any general or special election of any county shall be paid for their services by their respective board of county commissioners, and the inspectors who carry the returns of such elections to their county seats and properly deliver them shall receive two (2) dollars per day, and five (5) cents per mile each way while performing such service. No elector who cannot read and write the English language shall be appointed inspector or clerk of election.

Refusal of
Inspector or
Clerk to act.

*Sec. 25. In case of the absence or refusal to act of any of the inspectors or clerks of election appointed by the board of county commissioners for any district or polling place, the qualified electors present favoring the ticket which the absent inspectors or clerk had been chosen to represent, shall choose from among their number one inspector, inspectors or clerk as will, together with the inspector, inspectors or clerk present, constitute a board of four; *Provided*, The inspector, inspectors or clerk so chosen shall (if any such be present, represent the same political party that the absent inspector, inspectors or clerk would represent if present, and the person or persons so chosen shall) be authorized to act as inspectors or clerk of the election at the polling place where they may be chosen, and said inspectors and clerk shall each take and subscribe an oath or affirmation, which shall be written or printed, to the effect that they will perform the duties of inspectors and clerk of election according to law, and will endeavor to prevent all fraud, deceit or abuse in conducting the same.

Proviso.

How oath
may be
taken.

Such oath may be taken before any officer authorized to administer oaths, or before either of the persons who are to act as inspectors, one of them to swear the others, and one of the others thus sworn in turn to administer the oath to him who has not been sworn, and such oath shall be returned with the poll list, and the returns of the election to the Supervisor of Registration. One of the inspectors shall be chosen by them as chairman of their board.

Chairman of
Board of In-
spectors.

1904.

Majority decide questions arising before Inspectors.

Polling place.

Opening of polls.

Adjournment.

Secret ballots.

In any and all questions that may arise before said inspectors of election, the decision of a majority of them shall decide such questions.

*Sec. 26. There shall be in each and every election district in each county one polling place, presided over and managed by a board of inspectors and clerk of election, as provided for by law. At each of said polling places a space, such as the inspectors of election shall deem fit and sufficient, shall be railed off and constructed, with an opening at one end or side for entrance of the voter and an opening at the other for his exit, as a polling place in which to hold the election. But one voter shall be allowed to enter any polling place at a time, and no one except the inspectors of the election shall be allowed to speak to the voter while in the polling place casting his vote, and no inspector shall speak to or interfere with any voter concerning the manner of his voting or any ballot he may vote, otherwise than to perform his duties as such inspector specified herein.

Sec. 27. The polls shall be opened at such voting places at 8 o'clock a. m., on the day of the election, and shall be kept open until sundown of the same day, the time to be observed for such opening and closing of the polls to be regulated by the customary time in standard use in such locality. The inspectors may, however, adjourn between 12 and 1 o'clock for half an hour. The inspectors shall make public proclamation of the opening and closing of the polls, and the mid-day adjournment. During the adjournment the ballot box shall be kept in the possession of, and in view of two of the inspectors, who shall not have the key thereof, and during the election and canvass of the votes the ballot box shall not be concealed from the public.

Sec. 28. In all elections hereafter held in this State on any subject which may by law be submitted to a vote of the people, and for all, or any State, county, district, or municipal officers, the voting shall be by secret official ballots printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election to which this act applies, except it be provided as herein prescribed.

1904.

Cast of bal-
lots.

Sec. 29. The printing and delivery of the ballots and cards of instruction to voters hereinafter prescribed shall in municipal elections be paid for by the several cities or towns respectively, and in all other elections by the several counties respectively.

County Com-
missioners
to print
ballots.

*Sec. 30. The board of county commissioners (or in case of a municipal election the city or town council) of each county shall cause to be printed on the ballots to be used in their respective counties the names of all candidates who have been put in nomination by any caucus, convention, mass meeting, primary election or other assembly of any political party or faction in this State and certified and filed with them not more than sixty nor less than twenty days previous to the day of election, which certificates shall contain the name of each person nominated and the office for which he is nominated, and shall be signed by the presiding officer and secretary of such caucus, convention, mass meeting, or other assembly, or by the canvassing board of such primary election, and be duly acknowledged by one or more of them before any officer authorized by law to take the acknowledgments. The board of county commissioners

Other du-
ties.

(or in case of a municipal election, the city or town council) shall also cause to be printed upon said ballots the name of any qualified elector who has been requested to be a candidate for any office by written petition signed, in case of a candidate for a State or Federal office, by at least five hundred electors, in case of a county or municipal office, by at least twenty-five electors qualified to vote in the election to fill said office, when such petition has been filed with them not more than sixty days nor less than twenty days previous to the election. And in addition to the name printed upon said ballot, and whether there be any names printed on said ballots or no, there shall be printed under each office to be voted for at the election, blank lines in number equal to the number of persons who may be elected to fill that office. The name of no person shall be printed upon the ballot who shall, not less than twenty days before the election, notify the board of county commissioners, in writing, acknowledged before an officer authorized by law to take

What names
the ballot to
contain.

acknowledgments, that he will not accept the nomination specified in the certificate of nomination or request of electors; *Provided, however,* That when any person who has been regularly nominated and who shall decline to run for the office to which he has been nominated, the party by which such person was nominated shall be allowed five days after such declination to run by such person, in which to substitute another candidate. In case of any person to be voted for by the electors of the whole State, or of any entire Congressional District, such certificate of nomination shall be filed in the office of the Secretary of State not less than thirty days before the day of election, and such Secretary of State shall thereupon immediately certify to the board of county commissioners of each county in the State in case of an officer to be voted for by the electors of the whole State, and to the boards of county commissioners of the counties composing the Congressional District in case of an officer to be voted for by the electors of such district, upon suitable blanks to be prepared by him for that purpose, the fact of such nomination and the name of the nominee or nominees, and the name of the office to which he or they may be nominated, and the name of such person shall be printed by the board of county commissioners upon the ballot in its proper place in all respects as herein provided for nominations filed in the office of the board of county commissioners; and any Secretary of State who shall willfully fail or refuse to certify such nominations as herein provided shall be guilty of a misdemeanor; and, on conviction, shall be fined not more than one thousand dollars and in the event of such failure or refusal, such certificate shall be made by the State Comptroller.

Certificate to be filed in office of Secretary of State.

Penalty.

Sec. 31. Any person who shaall falsely make or fraudulently destroy any certificate of nomination, or any part thereof, or file any certificate of nomination, knowing the same, or any part thereof, to be false, or suppress any nomination which has been duly filed, or any part thereof, shall be guilty of a felony, and, on conviction thereof, shall be imprisoned in the penitentiary not less than one or more than five years.

Penalty for false certificate.

1904.

Filing certi-
ficates.

Sec. 32. The board of county commissioners shall cause to be preserved in the office of the clerk of the circuit court all certificates and petitions of nominations filed thereon under the provisions of this act for six months after the election for which such nominations are made.

What the
ballot to
contain.

Sec. 33. The ballots printed in accordance with the provisions of this act shall contain the names of all candidates nominated as hereinbefore provided who have not declined. The names of all candidates for the same office shall be printed together, irrespective of party. But the order in which the titles to the several offices to be filled shall be arranged upon the ballots, shall be left to the discretion of the officer charged with the printing of said ballots.

Constitutional amend-
ment.

Sec. 34. Whenever a constitutional amendment or other public measure is submitted to a vote of the people, the substance of each amendment or other public measure shall be twice in the same language indicated upon the ballot after the list of candidates, followed in one case by the word "yes," and in the other by the word "no."

Form of
ballot.

Sec. 35. All ballots provided by the board of county commissioners of any county for an election shall be alike, printed in plan type in straight lines, upon plain white paper so thick that the printing cannot be distinguished from the back, with a slender line between each name, and extending sufficiently to the left of the names to easily permit making before each name a cross mark (X), and in the appropriate place the words, "vote for one" (or two, or other number, as the case may be), to indicate the number which may be elected to each office, and shall be substantially in the following form, except, the order in which the several offices to be filled stated namely:

LAWS OF FLORIDA.

25

1904.

Official ballot, elected, A. D. 189— (year to be printed).
Precinct No. County. (Precinct and county
to be printed). (Make a cross mark (X) before the
name of the candidate of your choice).

Vote for one:

For Governor.
Henry Fishler.

William Jones.

John Smith.

Form of
ballot.

Vote for one:

For Secretary of State.
William King.

Thomas Moore.

James Simpson.

Vote for one:

For Sheriff.
Thomas Jones.

George Smith.

James White.

Vote for two:

For Representatives in the General Assembly.
William Daniels.

John Doe.

Constitutional Amendment. Article..Section.. Yes.

Constitutional Amendment. Article..Section.. No.

Sec. 36. All ballots for use in each precinct or ward
shall be fastened together in convenient numbers in
books or blocks, in such manner that each ballot may be
detached and removed separately. Each ballot shall have
attached to it a stub with perforated lines of sufficient
size to enable one of the inspectors to write or stamp his

How ballots
to be arrang-
ed.

1904.

name or his initials thereon, and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

Number of
ballots at
voting
place.

*Sec. 37. There shall be provided for each voting place at least one hundred ballots for each fifty registered qualified electors at said polling place.

Booths to be
provided by
County
Commission-
ers.

*Sec. 38. The county commissioners of each county, or in case of a municipal election, the Mayor or other chief executive officer, shall provide at each polling place, a room or covered enclosure, and in such place or covered enclosure shall provide booths or compartments, one booth or compartment for each one hundred or fraction of one hundred or over fifty qualified electors registered for that election, and furnish each with a shelf or table for the convenience of electors preparing their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector at a shelf or table in one compartment to see an elector at a shelf or table in another compartment in the act of marking his ballot. Each voting shelf or table shall be kept supplied with conveniences for marking the ballots.

Room to ap-
proach poll-
ing place.

Sec. 39. No person shall be permitted under any pretext whatever to come within fifteen feet of any door or window of any polling room from the opening of the polls until the completion of the count of the ballots and certificates of the returns, except as herein provided.

Printed
cards to in-
struct elec-
tors.

†Sec. 40. The board of county commissioners (or in case of a municipal election, the city or town council) of each county shall cause to be printed in large type on cards, instructions for the guidance of electors in preparing their ballots. They shall furnish to the inspectors twelve, or more if necessary, such cards for each precinct or ward, and it shall be the duty of the inspectors to post one of such cards in each booth or compartment for the preparation of ballots, and not less than three in prominent places elsewhere and outside of the polling place the day of election. Said cards shall be printed in large, clear type, and shall contain full instructions to electors as to what shall be done. First, to obtain ballots for

*Amendment, 1907.

†Amendment, 1895.

voting; second, to prepare the ballot for deposit in the ballot box; third, to obtain a new ballot in the place of one accidentally spoiled.

Sec. 41. Any person who willfully, during or before an election, removes, tears down, or destroys or defaces any booth or compartment, or any convenience provided for the purpose of enabling the elector to prepare his ballot, or any card printed for the instruction of electors, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten or more than five hundred dollars.

Penalty for destroying booth.

Sec. 42. Except as electors are admitted, one at a time, to vote, and except the sheriff or his deputy, the inspectors and clerks of election, and as many electors as there may be booths or compartments, no person shall be permitted within fifteen feet of the polling place. No sheriff, deputy sheriff or city policeman shall enter the polling place without permission from a majority of the inspectors of the election, except to cast his own ballot.

Who to be in the booth.

Sec. 43. When the right to vote of any person who demands to be permitted to vote is questioned by any elector, the said challenge shall be communicated to the inspectors before the person is permitted to vote by the sheriff, or some other officer or person in attendance and in charge of admission to the polling place, when his right to vote must be determined as required by law.

Challenging the elector.

Sec. 44. No elector, while receiving, preparing and casting his ballot, shall occupy a booth or compartment for a longer time than five minutes. No elector shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with any one, except as herein provided, while in the polling place.

Time for remaining in booth.

Sec. 45. After having voted, or declined or failed to vote within five minutes, the elector shall immediately withdraw from the place and go beyond the prohibited distance, and shall not enter the polling place again.

Time allowed voter.

*Sec. 46. Each elector upon entering the polling place shall be given one ballot by the inspectors. Before delivering the ballot to the elector, at least one of the inspectors shall write in his own hand his initials or name on

Manner of preparing ballot.

1904.

the stub attached to the ballot. On receiving the ballot, the elector shall forthwith and without leaving the polling place, retire alone to one of the booths or compartments provided for that purpose, and there prepare his ballot by marking with pen and ink or pencil, in the appropriate margin or place a cross mark "X" before the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking the cross mark "X" in the appropriate margin, and likewise by marking the cross "X" before the answer he desires in case of a constitutional amendment or other question submitted to a vote of the people.

Elector who is blind or lost use of his hands to have assistance.

*Sec. 47. Any elector applying to vote who by reason of blindness or the loss of the use of his hand or hands is unable to prepare his ballot, may have the assistance of the inspectors in the preparation of his ballot, who shall retire to a booth or compartment with the elector and there prepare the elector's ballot, so as to indicate the elector's declared choice of candidates as to each office to be filled, without suggestion or interference from inspectors. But in all cases any elector before retiring to the booth as provided in this section may have one of the clerks of the election to read over to him the titles of the offices to be filled and the candidates therefor.

Elector declaring his choice.

Sec. 48. Before any elector applying for assistance in the preparation of his ballot, as provided for in section 47, shall be required or permitted to declare his choice of candidates, all electors, including those in the booths or compartments, after voting shall be required to withdraw from the voting place.

Penalty.

Sec. 49. Any person making a false declaration under the provisions of section 47 shall be guilty of felony, and, on conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

Penalty.

Sec. 50. Any inspector who shall willfully deceive any elector in preparing his ballot shall be guilty of a felony, and, on conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

1904.

Sec. 51. Any inspector who shall disclose how any elector may have voted, unless upon the trial of an indictment in a court of competent jurisdiction he may be so required, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

Penalty for disclosing how an elector votes.

Sec. 52. Any elector who shall, by accident or mistake, spoil a ballot so that he cannot conveniently or safely vote the same, may return it to the inspectors who shall immediately detach the stub and destroy, without examination, the ballot so returned, and shall give to the elector another ballot in lieu thereof, but in no case shall an elector be furnished with more than three ballots. In no case shall any person be permitted to carry a ballot outside of the polling room. A record shall be kept by the clerk of election of all ballots destroyed, as herein provided for.

Ballots that are spoiled.

Sec. 53. After preparing his ballot the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached with the name or initials of the inspector, and hand it to the receiving inspector, who shall detach the stub therefrom and return the ballot to the elector, who shall deposit the ballot in the ballot box in the presence of the inspectors. All stubs detached from ballots as provided for in this section shall be numbered consecutively and filed by the inspectors.

Elector to deposit ballot in the ballot box.

Sec. 54. If the elector marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be counted for such office, but this shall not vitiate the ballot, so far as properly marked, and nothing herein shall be construed to prevent any elector from voting for any qualified person other than those whose names are printed on the ballot.

Marking more names than there are persons to be elected.

*Sec. 55. Any elector who shall, except as herein provided, allow his ballot to be seen by any person, or who shall take or remove, or attempt to take or remove, any ballot from the polling place before the close of the polls, or place any mark upon his ballot by which it may be identified, or take into the election booth any mechanical device, ticket or memorandum, printed or written, other

Penalty for election violation of law.

1904.

than the official ballot or tickets to enable him to mark said ballot or ticket, or any person who shall interfere with any elector when inside of the polling place, or when marking has ballot, or unduly influence, or attempt to unduly influence any elector in the preparation of his ballot, or any elector who shall remain longer than the specified time allowed by this act in the booth or compartment, after being notified that his time has expired, or who shall endeavor to induce any elector to show how he marks, or has marked, his ballot, or aids, or attempts to aid, any elector by any means of any mechanical device, whatever in marking his ballot, or shall print or procure to be printed, or have in his possession any copy of any ballot prepared to be voted, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars, or imprisoned not more than three months, and any ballot marked by the elector for identification shall be rejected.

Penalty for
officer who
fails to per-
form his
duty.

Sec. 56. Any officer who willfully and knowingly refuses or fails to perform the duties herein prescribed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred nor more than one thousand dollars. But this section shall not be held to apply to cases where a different penalty is prescribed by this act.

Penalty for
officers after
being sworn
in.

Sec. 57. Any officer or officers after being sworn in who willfully and knowingly neglects, or fails or refuses to perform the duties herein prescribed, shall be guilty of a misdemeanor, except as herein otherwise provided, and, on conviction, shall be fined not less than fifty nor more than two hundred dollars, or by imprisonment not less than sixty days, nor more than six months. And in the event the board of county commissioners of any county is unable, or neglects, fails or refuses to perform the duties herein prescribed, the duties, responsibilities and authorities of the board of county commissioners shall devolve upon the clerk of the circuit court of the county.

Clerk to
keep poll
list.

Sec. 58. When any person shall have voted, his name shall be checked on the margin of the page opposite thereto upon the registration book by one of the inspectors, and the clerk of the election shall keep a poll list, which shall contain one column headed "name of voters" and the name of each elector voting shall be entered by

1904.

the clerk in such column as he votes. And the inspectors of election shall have the authority and power to prevent all repeating, and to prevent any person from voting a second time at the same election when they have good reason to believe such person has already voted. They shall have full power to refuse to allow any person to vote who is not a qualified elector, or who have become disqualified for any cause to vote in such election district.

Inspectors to prevent repeating.

They may also prevent any elector from consuming more time than five minutes in voting. But no inspector shall examine, read or handle the ballot being voted or about to be voted by any elector, or interfere in any way with the voting of any elector otherwise than as herein provided. The inspectors shall possess full authority to maintain good order at the polls, and enforce obedience to their lawful commands during an election, and during the canvass and estimate of the votes. There shall be at each polling place in each election district a deputy sheriff, to be deputized for such purpose by the sheriff of the county, who shall be required to be present during the whole time that the polls are kept open and until the election is completed, who shall be subjected to all lawful commands of the inspectors, and who shall see that there is no interruption of good order. Such deputy sheriff shall have power, when necessary to maintain the peace, to summon a posse from among the bystanders to aid him in maintaining the peace and good order at the polls. Any person when so summoned or called upon by such deputy sheriff, who shall fail or refuse to assist him in maintaining the peace and good order at the polls, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not to exceed two hundred and fifty dollars or imprisoned in the county jail not to exceed six months. If any person shall refuse to obey any lawful order of the inspectors, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, such inspectors may command such deputy sheriff or other person present to take such disorderly person into custody and to confine him during the election and canvass; and it shall be the duty of such sheriff or other person to obey said order. Any deputy sheriff who shall willfully neglect or refuse to perform any duty imposed on him by this act at the time or within

Prevent consuming more time than five minutes in voting.

Inspectors to enforce obedience.

Deputy Sheriff at polling place.

Penalty for refusing summons of deputy sheriff.

1904.

Penalty for
neglect of
duty by dep-
uty sheriff.

No officer in
polling
place unless
summoned
by majority
of inspectors

the time herein specified, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment; *Provided, however* That no sheriff, deputy sheriff, policeman or other officer shall be allowed to come within the polling place unless summoned into the same by a majority of the inspectors. On failure of any sheriff, deputy sheriff, policeman or other officer to comply with the provisions of this section, it shall be the duty of the inspectors of election, or one of them, to make affidavit against such sheriff, deputy sheriff, policeman or other officer for their arrest.

Saloons to
be closed.

Sec. 59. All bar-rooms, saloons and other places for the sale of liquors by retail, shall be closed at 6 o'clock of the evening preceding the day of any election, and shall remain closed until 6 o'clock in the morning of the day thereafter. And during the time aforesaid, the sale of all intoxicating liquors is prohibited. Any person who shall be convicted of a violation of this section shall be punished by a fine not less than one hundred, nor more than two hundred dollars, or by imprisonment in the county jail not less than three months nor more than six months, or by both such fine and imprisonment.

Count of
ballots.

Sec. 60. At the close of the election at each polling place in each election district the inspectors and clerks shall immediately proceed to open the ballot box, and in the presence of the public, if there be any present who desire to witness said canvass, count the ballots therein, and continue such count without adjournment or interruption until the same is completed. The ballots shall be first counted, and if the number of ballots shall exceed the number of persons who shall have voted, as may appear by the poll list kept by the clerk, and by the stubs detached by the inspector, the ballots shall be replaced in the box and one of the inspectors shall publicly draw out and destroy unopened and unexamined as many of such ballots as shall be equal to such excess. If two or more ballots shall be found folded together, so as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed, and if, upon comparison of the count, and the appearance of

such ballots, a majority of the inspectors shall be of the opinion that the ballots thus folded together were voted by one person such ballots shall be destroyed.

*Sec. 61. The canvass being completed, the result shall be publicly proclaimed. Duplicate certificates of the result of such election shall be drawn up by the inspectors or clerk at each and every election district, which shall contain in words written at full length the name of each person voted for for each office, and the number of votes cast for each person for such office, and if any question shall be submitted to an election, such certificates shall also contain the number of votes cast for and against such question, which certificate shall be signed by the inspectors and clerk, and one of such certificates shall be by one of the inspectors delivered, without delay, securely sealed, to the supervisor of registration, and the other to the county judge of the county; and the poll lists and oaths of the inspectors and clerks, together with all ballot boxes, ballot stubs, memoranda and papers of all kinds used by the inspectors and clerk in conducting such election shall also be transmitted, sealed up by the inspectors, with the certificates of the result of the election, to the supervisor of registration, to be filed in his office.

Canvass of
votes.

Certificates.

*Sec. 62. On the sixth day after any election, or sooner, if the returns shall have been received, it shall be the duty of the county judge and supervisor of registration to meet at the office of the said supervisor of registration, and to take to their assistance the chairman or other member of the board of county commissioners, and in case of absence, sickness, refusal to act, or other disability of the county judge or supervisor of registration, another member of the board of county commissioners, who shall be designated by the chairman of said board, shall act in his place, who shall constitute and be the county canvassing board of elections, and they shall publicly proceed to canvass the vote given for the several officers and the persons as shown by the returns on file in the offices of such county judge and supervisor of registration. Such canvass shall be made solely, exclusively and entirely from the returns of certificates of the inspectors in each election district, as signed and filed by them with

Duty of
County
Judge and
Supervisor
of Registration.

Canvassing
Board.

1904.

the county judge and supervisor of registration respectively, and in no case shall the board of county canvassers change or vary in any manner the number of votes cast for the candidates, respectively, in any polling place in the county, as shown by the returns of the inspectors of such polling place. They shall compile the result of the election, as shown by said inspector's returns, and shall then make and sign duplicate certificates containing in words and figures, written at full length, the whole number of votes given for each officer, the names of the persons for whom such votes were given, for such office, and the number of votes given for each person for such office; such certificates shall be recorded by the supervisor of registration in a book to be kept by him for that purpose, which book shall be furnished by the county commissioners and shall be labeled "Record of Election Returns," and one of such duplicates shall be immediately transmitted by mail or by express to the Secretary of State and the other to the Governor of the State. The supervisor of registration shall transmit by mail to the Secretary of State, immediately after the county canvassing board shall have canvassed the returns for State and county officers, a list giving the names of all county officers elected, the office for which each was elected, with the postoffice address of such county officers-elect in their respective counties. Should any member or members of said board of county canvassers willfully violate any of the requirements of this section, he shall be deemed guilty of felony, and on conviction shall be punished by a fine of not less than \$250 nor more than \$1,000, or by imprisonment in the State penitentiary for not less than one nor more than three years.

Penalty.

County officers to be given certificate of election.

Sec. 63. In case any county officer shall be elected at any election, the supervisor of registration shall give to the person who shall be elected a certificate of his election, and the supervisor of registration shall give to any person desiring a copy of such returns from the record a certified copy thereof, or of such part thereof as may be desired, upon payment to him of the customary fees for copying and certifying papers in the office of the clerk of the circuit court.

1904.

Sec. 64. For the counties of Monroe, Dade, Brevard, Manatee, Osceola and DeSoto, in case the returns of the election held in such counties shall not be received by the judge and supervisor of registration within six (6) days after the close of an election, the county canvass shall be made as soon thereafter as said returns shall be received by the county judge or supervisor of registration, and within twenty days after said election.

For Monroe, Dade, Brevard, Manatee, Osceola and DeSoto counties.

Sec. 65. The person who shall receive the highest number of votes cast for one office shall be elected to such office. In case two or more persons shall receive an equal and the highest number of votes for the same office, another election therefor shall be held upon the order of the Governor as in other cases of special elections.

Who declared elected.

Sec. 66. On the thirty-fifth day after the holding of any general or special election for any State officer, member of the Legislature or representative in Congress, or sooner, if the returns shall have been received from the several counties wherein elections shall have been held, the Secretary of State, the Comptroller and the Attorney-General, or any two of them, together with any other administrative officer of the executive department who may be designated by them, shall meet at the office of the Secretary of State, pursuant to notice to be given by the Secretary of State, and they shall form and be a Board of State Canvassers, and as such shall proceed to canvass the returns of said election and determine and declare who shall have been elected for such office, or as such member, as shown by such returns. If any such returns shall be shown or shall appear to be so irregular, false or fraudulent that the board shall be unable to determine the true vote for any such officer or member, they shall so certify and shall not include such returns in their determination, canvass and declaration. And the Secretary of State shall file and preserve in his office all such returns, together with such other documents and papers as may have been received by him, or by said board of canvassers. The said Board of State Canvassers shall canvass the returns for presidential electors and representatives to the Congress of the United States separately and distinct from their canvass of the returns for State officers and members of the Legislature, and shall make and sign separate and distinct certificates of the re-

Board of State canvassers.

Irregular or fraudulent returns.

1904.

Result to be
recorded in
the office of
Secretary of
State.

sult of the election for said national officers and for said State officers, which certificates shall contain in words written at full length the whole number of votes given for each person for each office, and for member of the Legislature and the State Senator, and therein declare the result, which certificates, the one including the result of the election for presidential electors and representatives to Congress, and the other including the result of the election for State officers, members of the Legislature and State Senators, shall be recorded in the office of the Secretary of State, in a book to be kept by him for that purpose. And the Secretary of State shall cause a certified copy of each of said certificates to be published once in one or more newspapers printed at the capital of the State.

Secretary of
State to
transmit cer-
tificate.

Sec. 67. The Secretary of State shall make and transmit to each person chosen to any State officer, immediately after the State canvass, a certificate showing the number of votes cast for each person for such office at such election, which certificate shall be prima facie evidence of his election to such office.

Electors for
President
and Vice-
President
and Repre-
sentative in
Congress.

Sec. 68. When any person shall be elected to the office of elector of President and Vice-President, or representative in the Congress of the United States, the Governor shall make out, sign and cause to be sealed with the seal of the State, and transmit to such person a certificate of his election to such office.

Duty of Sec-
retary of
State.

Sec. 69. The Secretary of State is hereby required to cause to be prepared, all proper blanks and forms, for the use of inspectors of election and for county canvassers, comfortable to the provisions of this chapter, and he shall, at least sixty days before any general election transmit to the supervisor of registration of each county a sufficient number thereof for the several polling places in each election district within each county; and shall also have printed a sufficient number of the law regulating general elections to supply the several counties and polling places in each election district in said counties, and transmit the same with the forms aforesaid; and the supervisor of registration in each county shall furnish to the inspectors of election at each polling place at each election district in such county, a sufficient number of

such forms and copies of election laws for the use of such inspectors at the election.

Sec. 70. Nothing in this chapter shall be so construed as to prohibit the county commissioners in any county at any time, in case an epidemic shall exist in any city or town in such county, at the time of holding any election in such county, from establishing at any safe and convenient point outside of such infected locality proper additional polling places for the electors, resident in the infected district, at which polling places the electors of such infected district shall be allowed to vote, if properly qualified otherwise, and in such cases the registration books belonging to such infected districts shall be applicable to and shall be used at such polling places thus established.

In case of
an epidemic.

Sec. 71. This act shall take effect from and after its passage and approval by the Governor.

Sec. 72. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

When to
take effect.

Approved May 25, 1895.

APPENDIX.

CHAPTER 5014—[No. 130.]

AN ACT to Regulate the Holding of Political Primary Elections in the State of Florida, for Nominating Candidates for Any Office Under the Laws of this State, and for Nominating Delegates to Political Conventions.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That whenever the State Executive or Standing Committee of any political party in this State or any Congressional District or county of this State, shall decide to take by primary election the sense of the members of said party as to the proper persons to be made delegates to any convention to be held for the purpose of that party, or to take the sense of the members of the said party as to their choice for United States Senator, or as to the proper person or persons to be presented on behalf of that party to the voters of the State, Congressional, District or county, as the case may be, at any election to be held in the several counties under the laws of this State, at least thirty (30) days' notice shall be given in some newspaper published in the county or counties in which such election is to be held, or by posting a notice of such primary election in each ward or precinct of the county, if there be no newspaper published in said county, of the place where the voters belonging to that party are requested to meet for the purpose of acting in relation to the nomination of delegates or candidates as herein above stated.

Such notice shall also state the day on which such election is to be held, and the hours within which it is to be held, and the names of the inspectors appointed to hold such election and receive the votes that may be cast thereat, and make report and return thereof, and the time

when such return and report shall be made to the committee directing such meeting to be held.

Sec. 2. That no person can vote or take part in the proceedings of any primary election, who is not by the laws of the State a lawful elector, who has not paid his poll tax legally due, not less than ten days before such primary election is held, and authorized to vote in any legal election in the ward or precinct for which such primary election is held.

Sec. 3. That the Executive or Standing Committee calling such primary election may declare the terms and conditions on which legal electors offering to vote at such election shall be regarded and taken as proper members of the party at whose instance or in whose interest such primary election has been called or may be held and therefore entitled to vote at such election as a member of that party.

Sec. 4. That any recognized member of the party in whose interest such election is held may challenge the right of any person offering to vote at such election, and the inspectors authorized to hold and holding such election shall determine on the evidence then furnished whether the person so offering is entitled to vote at such election, and shall receive or reject such votes so offered as to them the evidence for or against the right of the persons so offering to vote shall reasonably warrant.

Sec. 5. That the inspectors holding such primary election under the provisions of this act may of their own motion, or in any case of the challenge of any person offering to vote, if they deem there is any doubt of the propriety under the provisions of this act of the vote so offered, require of the person so offering to vote, his oath to the fact which authorized the vote, and if the person so offering to vote declines to make oath so demanded, his vote shall be rejected.

Sec. 6. All votes at such primary elections shall be by ballot, which shall conform to the requirement of the general election law of this State.

Sec. 7. The report to the committee so directing such primary elections by the officers holding the same shall be in writing, with which the original ballot shall be returned and the poll list of the voters made at the time of

the voting, and the reasons on which any challenged vote was received or rejected. Said committee shall carefully examine the returns and reports so made and thereupon decide who are the persons that have been chosen by the majority vote cast in the primary election for delegates to the convention, and from what ward or precinct, if the meeting were for the appointment of delegates to such convention, or what person or persons by a majority vote have been elected as candidates of the party, as the case may be, for the office or offices to be filled at the approaching election; Provided, a second primary election shall be held within four weeks after the first primary election, to choose in all cases where no person shall have received a majority of all the votes cast for the several candidates receiving the highest vote in the first primary election.

When several officers are to be voted for, for the same office, as in the case of County Commissioners, a number of candidates not exceeding twice the number not nominated in the first primary shall be voted for in the second primary, and those candidates receiving the highest vote in the second primary to the number remaining to be chosen shall be considered chosen.

Sec. 8. That if any person who is not entitled to vote under this act, vote at any primary election held hereunder, or vote more than once, or personate another person, or in any name other than his own legal name, or in any manner disturbs the orderly proceedings of any such election, or intimidate, or in any manner attempt to intimidate or deter from voting, or bribe, or attempt to bribe, any authorized voter, or impose, or attempt to impose, on any duly authorized voter, a ticket or ballot other than it appears on its face to be, such person or persons shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars or be sentenced to hard labor for more than three months, one or both, at the discretion of the court trying the case.

Sec. 9. That the inspectors who may hold such primary elections under this act, and return the votes, proceedings and action thereof, herein provided, shall before assuming the duties, make oath before some officer authorized to administer the oath, and in the absence of such officer the inspectors shall administer the oath to each

other, that they will honestly, faithfully, and to the best of their ability, do and perform all the duties of their respective offices, and any wilful violation of said oath or of any other oath taken under the provisions of this act, shall be held, to be perjury, and shall be punished as provided by the laws of the State for the crime of perjury; Provided, That at any primary election ordered by any County Executive Committee or Standing Committee, where the inspectors appointed shall not be present from any cause, the members of the party present may appoint from their number a full set of inspectors and clerk, who shall swear themselves in and proceed to hold such election ordered the same as if regularly appointed.

The Sheriff is required to see that good order is preserved at such meetings, and may arrest and present for commitment to the nearest officer clothed with the power of a Justice of the Peace, and all persons who may be guilty of any violation of the provisions of this act.

Sec. 10. That the County Executive or Standing Committee of the political party calling such primary elections is hereby authorized to regulate the amount to be paid the inspectors and clerks of such election, and to provide funds for defraying expenses of conducting such elections by assessing for the various county candidates for nomination at such primary election; Provided, That when any candidate for United States Senator, or any State officer or member of Congress is a candidate before such primary, then the State Executive Committee or the Congressional Committee, shall regulate the amount to be assessed such candidate or candidates, and prorate the money so collected among the several counties in which such primaries are to be held, and pay the same over to the County Executive Committees of the several counties to assist in defraying the expenses of such primaries: Provided, That no candidate shall be assessed more than five per cent. of the annual compensation of the office, for which he is a candidate.

Sec. 11. That in the appointment of inspectors and clerks of such primary election, the committee making such appointments shall, so far as possible, select qualified voters from a list of names agreed upon by a majority of the candidates before such primary election; Provided, Such agreed list is filed with the committee.

Sec. 12. That except as herein provided, all elections at primary elections under this act, shall be regulated by the election law of the State in force at the time such primary election is held as nearly as the same can be done.

Sec. 13. That the Executive or Standing Committee, when they are petitioned by a majority of the qualified electors of the same party the committee belongs to, shall call and cause to be held a primary election as provided for in this act.

Sec. 14. The primary election of a political party for all purposes shall be held throughout the State on the same day, but the primary elections for different political parties may be held on separate days. Such primary elections shall be held not less than sixty (60) days before the date for the general election.

Sec. 15. No County, State or Congressional Committeeman, who is a candidate before any primary election, shall act or serve as such committeeman, and any vacancy caused by such disqualification may be filled by the County, State or Congressional Committee, as the case may be.

Sec. 16. The County Executive or Standing Committee shall hear and determine all contests or protests filed by any county candidate before such primary election, and when any contest or protest is filed with the county committee challenging the returns from any precinct or objecting to any decision of the committee, such county committee shall hear and determine such contest or protest, preserving in writing all the evidence heard and considered, and all rulings and decisions made by said committee.

The decisions and rulings of the County Committee shall be final as to any county candidate before such primary. If any candidate for a State or Congressional office is not content with the decision of the County Committee affecting his candidacy in said county, said candidate shall file within twenty (20) days after the result is declared, with the Chairman of the State or Congressional Executive Committee, as the case may be, his protest as to the result of the election in any county, whereupon the Chairman of the State or Congressional Executive Committee shall, after filing of such protest, cause notice of such protest to be given to the County Execu-

tive Committee wherein irregularities are alleged to exist, whereupon it shall be the duty of such County Committee to immediately forward a certified copy of such evidence submitted to and considered by them, and their rulings and decisions thereon to the State or Congressional Committee, as the case may be, and such committee shall review the finding and decisions of the county committee and its decisions shall be final.

Sec. 17. The Chairman of the State or Congressional Committee, as the case may be, shall cause the names of the successful candidates for offices voted for in more than one county who were chosen by a majority vote to be certified to the county committee of each county of the State, and said committee shall certify the same to the County Commissioners of said county, to be placed on the official ballot at the general election.

*Section 1. That Section 18, of Chapter 5014, of the Laws of Florida, entitled "An Act to regulate the holding of political primary elections in the State of Florida for nominating candidates for any office under the laws of this State, and for nominating delegates to political conventions," approved May 31, 1901, is hereby amended so as to read as follows:

Section 18. Whenever any political party in any municipality of ten thousand population or more in this State shall have determined, by its city committee, or, in the absence of a city committee, then by its county committee, to hold a primary election for the nomination of candidates for city offices, such primary election shall be held in all respects in conformity with the provisions of this act, so far as said provisions can be made to apply. In any case where there is no city committee of the political party within any such city where a primary election is to be held, the county committee for such county shall make provision for and designate a city committee to serve until their successors shall be elected at the city primary. The city committee shall call and make all necessary regulations for the holding of such primary to the same extent that county committees are authorized to do under the provisions of this act.

Sec. 2. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved June 3, 1903.

CHAPTER 5249—[No. 144.]

**AN ACT to Provide for the Registration of Voters Before
the Holding of Primary Elections.**

Be it Enacted by the Legislature of the State of Florida:

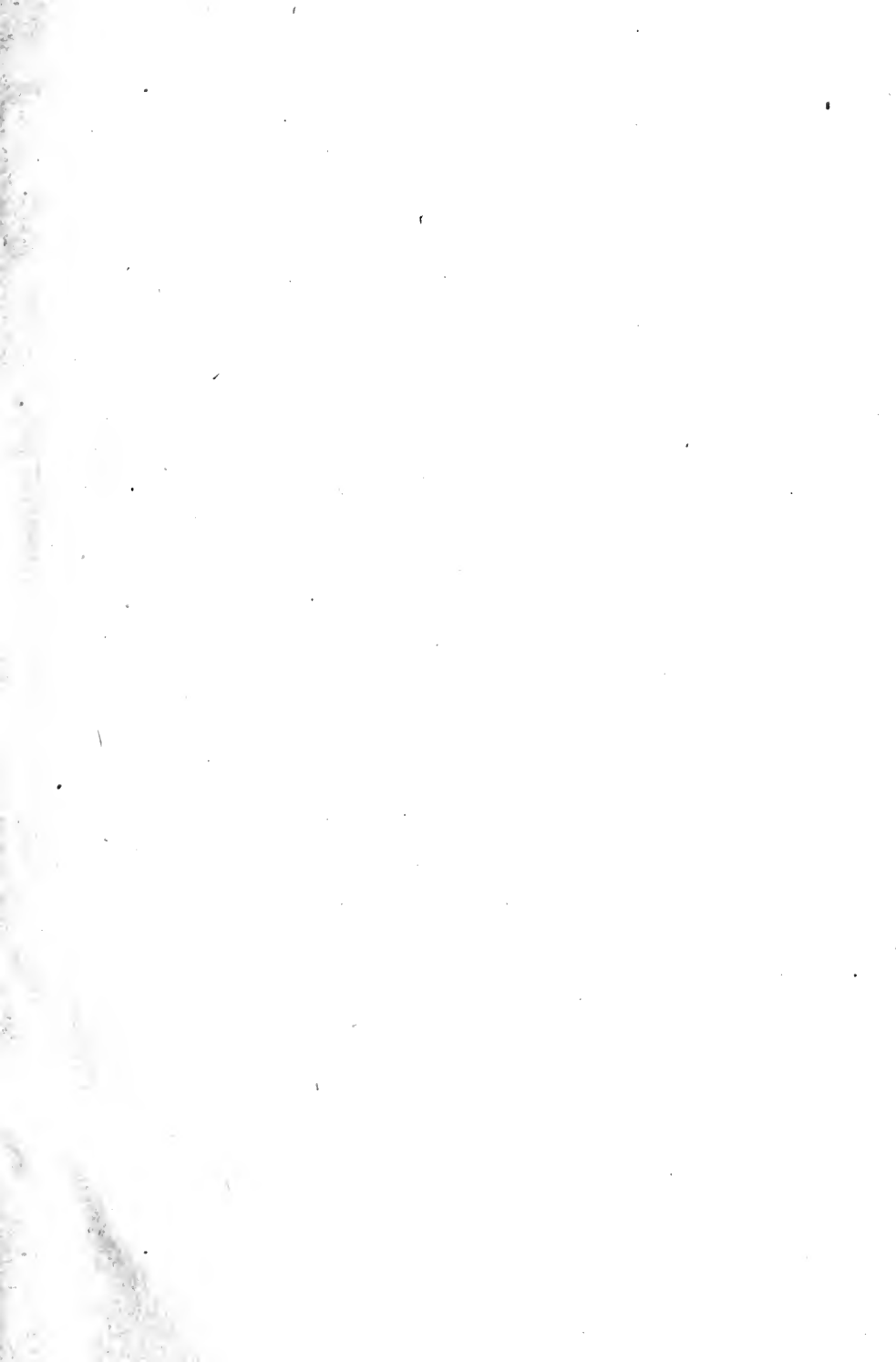
Section 1. That whenever the State, Congressional or County Committee of any political party which in the last preceding election cast forty per cent. of the votes cast, shall have called a primary election to be held prior to the time for registration for a general election, the registration books of each county shall be open in each election district for four weeks for registration of such primary.

In counties of thirty thousand or more population by the last census the books shall be closed four weeks before the primary and in other counties two weeks before the primary.

Approved June 4, 1903.

LIBRARY OF
THE UNIVERSITY OF
FLORIDA

[illegible]





YD 0911

JK1963

.F6A3

1904

∞

257190

